

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Crim. No. 18-213 (PJS/BRT)

Plaintiff,

v.

ORDER

Kelly Ann Sanchez,

Defendant.

This matter is before the Court on Defendant's Motion for Continuance of Trial (Doc. No. 31), Motion to Exclude Time Under the Speedy Trial Act (Doc. No. 32), and Defendant's Statements of Fact in Support of Exclusion of Time under the Speedy Trial Act (Doc. Nos. 33, 34).

For good cause shown, Defendant's motions are granted. In order to allow both the Government and defense counsel sufficient time to review the discovery and prepare for trial under the circumstances, and pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), the Court finds that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the Defendant in a speedy trial. This finding is based on the facts set forth in Defendant's Motion for Continuance of Trial (Doc. No. 31), Motion to Exclude Time Under the Speedy Trial Act (Doc. No. 32), and Defendant's Statements of Fact in Support of Exclusion of Time under the Speedy Trial Act (Doc. Nos. 33, 34).

Accordingly, **IT IS HEREBY ORDERED** that:

1. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **December 5, 2018**.¹ D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Thorson.²
2. **Counsel must electronically file a letter on or before December 5, 2018, if no motions will be filed and there is no need for hearing;**
3. All responses to motions must be filed by **December 19, 2018**. D. Minn. LR 12.1(c)(2).
4. Any Notice of Intent to Call Witnesses³ must be filed by **December 20, 2018**. D. Minn. LR. 12.1(c)(3)(A).

¹ “Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

² U.S. Mail or hand-deliver to 316 North Robert Street, Suite 646, St. Paul, MN 55101.

³ “When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(A).

⁴ “If after reviewing a notice under LR 12(c)(3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(B).

5. Any Responsive Notice of Intent to Call Witnesses⁴ must be filed by **December 27, 2018**. D. Minn. LR 12.1(c)(3)(B).

6. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

7. If required, the motions hearing shall be heard before Magistrate Judge Thorson on **January 7, 2019**, at **10:00 a.m.**, in **Courtroom 6A**, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota. D. Minn. LR 12.1(d).

8. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Trial briefs, voir dire questions, proposed jury instructions, and trial-related motions (including motions in limine) must be submitted to Judge Schiltz's chambers by 4:00 p.m. on **January 16, 2019**. Responses to trial-related motions (including motions in limine) must be submitted by 4:00 p.m. on **January 21, 2019**.

A status conference will be held on **January 25, 2019**, at 9:00 a.m. in Courtroom 14E, Minneapolis, before District Judge Patrick J. Schiltz. The government must submit its lists of prospective witnesses and prospective exhibits at this conference.

This case is scheduled for trial on **January 28, 2019, at 9:00 a.m.** before District Judge Patrick J. Schiltz in Courtroom 14E, U.S. Courthouse, 300 South Fourth Street, **Minneapolis.**

b. IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Patrick J. Schiltz to confirm the new trial date.

9. The period from **November 19, 2018, through January 28, 2019**, shall be excluded from the Speedy Trial Act computations in this case.

Dated: November 19, 2018

s/ Becky R. Thorson

BECKY R. THORSON

United States Magistrate Judge